AN ORDINANCE AGAINST CHALLENGES, DUELLS, AND ALL PROVOCATIONS thereunto.

Thursday June 29. 1654.

ORdered by his Highneſs the Lord Protector, and His Council, That this Ordinance be forthwith Printed and Publiſhed.

Henry Scobel, Clerk of the Council.

London, Printed by *William du-Gard* and *Henry Hills*, Printers to His Highneſs the Lord Protector. MDCLIV.

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AN ORDINANCE AGAINST Challenges, Duells, and all provocations thereunto.

Whereas the fighting of Duels upon private Quarrels is a thing in it self displeasing to God, unbecoming Christians, and contrary to all good order and government; And forasmuch as the same is a growing evil in this Nation, for preventing whereof there is a present

to hath been made in that behalf; Be it therefore Ordained by his Highnels the Lord Protector of the Common-Wealth of England, Scotland and Ireland, &c. by and with the advice and consent of his Council, That if any person or persons of what degree or quality soever within this Common-Wealth, shall from and after the first day of July next ensuing, by Message, Word, Writing, or any other way, either Challenge or cause to be Challenged any other person to fight any Combate or Duel, or shall accept any such Challenge; every such person who shall make, send, or accept any such Challenge, and every person who shall knowingly carry the same, shall be committed to Prison, without Bail or Mainprize, there to remain for the space of six Moneths next after his Commitment, and from thence untill the next General Quarter Sessions of the Peace, or General Allize and Goal-delivery to be held for that County, City or Town Corporate, where before his Enlargement out of Prison, he shall enter into Recognizance with two or more sufficient Suretyes, such as the Court shall approve, to be of the good Behaviour during the space of one whole year then next ensuing.

And it is further Ordained by the Authority aforesaid, That if any person so challenged, as aforesaid, do not within four and twenty hours after, make discovery thereof to some Justice of the Peace, the same shall be accounted an acceptance of a Challenge within the intention of this Ordinance.

And it is further Ordained by the Authority aforesaid, That if any person or persons shall

shall from and after the publication hereof, actually fight any Duell or Combate, whereupon death shall ensue, the same shall be deemed, adjudged and taken to be Murder. And if any person or persons shall from and after the time aforesaid, actually fight any Duel or Combate, upon any such preceding Challenge or appointment as aforesaid, (although death ensue not thereupon) or shall as Second, or otherwaies knowingly accompany, or assist any such person; the Judge or Justices of Peace before whom such Offender shall be convicted shall pronounce Judgement against all and every such Offender and Offenders to be banished during life out of this Common-wealth, and shall by their said Judgement appoint the time for such Offenders departure (which shall not exceed one Moneth after such Conviction) and also assign the Port from whence he shall go, and if any such Offender shall at any time after such day limited be taken within this Common-wealth, he shall be adjudged as a Felon, & suffer death accordingly. And to prevent all occasions of Challenges and Quarrels, Be it further Ordained by the Authority aforesaid, That any person or persons hereafter using any disgraceful, provoking Words or gestures, shall be lyable to an Indictment at the Gaol-delivery or General Sessions of the Peace; and if such person or persons shall be found guilty, the Judge or Justice of Peace shall cause him or them to be bound to his or their good behavior, and shall likewise impose a fine upon him or them for such offence, to be levied to the use of his Highnes the Lord Protector, and his Successors;

And alſo to make reparation to the party wronged, as to the ſaid Judge or Juſtices ſhall ſeem meet, upon conſideration had, both of the quality of the perſon injured, and the offence committed: And if any perſon ſhall refuſe to give obedience to the Sentence of the Judge or Juſtices herein, ſuch perſon ſhall be committed to the houſe of Correction, there to remain untill he ſhall perform the ſame.

And be it further Ordained that all Sheriffs, Conſtables, and other Miniſters of Juſtice, and all other perſons whatſoever, that ſhall have any knowledge or notice of the intent or purpoſe of any perſons whatſoever to fight any Duell or that any Challenge is made or ſent or intended to be made or ſent to that purpoſe, or ſhall ſee or perceive any perſons fighting ſuch Duel, ſhall forthwith apprehend or cauſe to be apprehended ſuch perſons faulty as aforeſaid, and cauſe them to be brought before ſome Juſtice of the Peace of the County, City, or Town Corporate where the ſaid offence ſhall be committed, who are hereby authorized and required, if upon examination they find the ſaid parties to be faulty, to bind the ſaid Offenders (as alſo the witneſſes) by Recognizance to appear at the next General Goal-delivery or quarter Seſſions, to be held for the ſaid County, City, or Town Corporate, to be proceeded againſt, and in the mean ſpace to keep the peace; And if any Officer or Miniſter of Juſtice or other perſon ſhall fail to apprehend ſuch Offenders, or elſe if upon their utmoſt endevors, they are not able to apprehend them, if they ſhall fail to make knowen the ſaid perſons to ſome Juſtice of Peace, that then each Perſon ſo failing to do his duty as abovesaid, ſhall forfeit

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ten pounds of lawful English money to be levied of his Goods and Chattles by distress and sale thereof rendring the over plus to the owner thereof, for the use of the Poor of the Parish where such offence is committed; And the like Law and Punishment shall be for partie challenging, or accepting any Challenge in any part of this Commonwealth, and thereupon fighting in any other place, as if the Fact had been done within this Commonwealth of England. And the Tryalls and Judgement upon this Ordinance may be had either at the Goal-delivery or at the General Sessions.

And it is lastly Ordained, That no Certiorari shall be hereafter allowed to remove any such Indictment as aforesaid.

Thursday June 29. 1654.

ORdered by his Highness the Lord Protector, and His Council, That this Ordinance be forthwith Printed and Published.

Henry Scobell, Clerk of the Council.